Docket No. 13566 105023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Mary Ellen Rybak		
		Group Art Unit:	1623

Serial No.: 10/579,160

Examiner: Patrick T Lewis

Filed: March 1, 2007

Confirmation No.: 1564

For: Combination of ET-743 and a 5-Fluorouracil Pro-drug for Cancer Treatment

Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement is filed in accordance with 37 C.F.R.

Sir:

\$\$1.56, 1.97 and 1.98. The items listed on Form PTO-SB08, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching. For each of the following items listed on the enclosed copy of Form PTO-SB08 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed: For each of the following items listed on the enclosed copy of Form PTO-SB08 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Any copy of the items listed on the enclosed copy of Form PTO-SB08 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. ___, filed ___. No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with: 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or 37 C.F.R. \$1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or

		Ш	37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
			37 C.F.R. $\S 1.97 (b) (4)$ before the mailing date of a first office action after the filing of an RCE under $\S 1.114.$
5.		No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.	
6.	\boxtimes	A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):	
			A check in the amount of \$180.00 is enclosed in payment of the fee.
		\boxtimes	Charge the fee to Deposit Account No. <u>50-3732</u> , Order No. <u>13566.105023</u> .
it is being filed in compliance with 37 C.F.R. §		it is be action	is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since sing filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final or a notice of allowance, whichever comes first, but before payment of the issue id is accompanied by:
			ne of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 slow; and
			e fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 clow.
8. This Information Disclosure Statement is being to		This I	nformation Disclosure Statement is being filed in compliance with:
		a. 🗌	37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);
		b. 🗌	37 C.F.R. \\$1.313(c)(2) or \\$1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. \\$1.17(h).
		c. 🗌	The fee due under 37 C.F.R. $\S\S1.17(h)$ is paid as set forth in paragraph 11 below.
9.			by certify that each item of information contained in this Information Disclosure

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	counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.				
	filed herewith was cited in a commun counterpart foreign application or, to	nation in the Information Disclosure Statement ication from a foreign patent office in a my knowledge after making reasonable inquiry, ed in §1.56(c) more than three months prior to the Statement.			
10.	This document is accompanied by \square a Search Report \square Communication which was cited in a corresponding \square PCT or \square Foreign counterpart application.				
11.	A check in the amount of \$ c.F.R. $\S\S1.17(h)$ and 1.17(p).				
	Charge any fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 50-3732, Order No				
	The Commissioner is hereby authorized to charge any fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-3732, Order No. 13566.105023.				
		Respectfully submitted, KING & SPALDING LLP			
Dated: May 19, 2009 By:		/michael willis/			
		Kenneth H. Sonnenfeld / Michael A. Willis Reg. No. 33,285 / 53,913			
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